

Robert L. Carey, OSB No. 871860
Direct: 503.802.2032
Email: bob.carey@tonkon.com
Matt A. Heldt, OSB No. 234594
Direct: 503.802.2135
Email: Matt.Heldt@tonkon.com
Tonkon Torp LLP
888 SW Fifth Ave., Suite 1600
Portland, OR 97204
Facsimile: 503.274.8779
Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(PORTLAND DIVISION)

SCOTT D. STAPLES,

Plaintiff,

v.

LEGACY HEALTH and LEGACY
EMANUEL MEDICAL CENTER,

Defendants.

Civil No. 3:25-cv-00781

**DEFENDANTS LEGACY HEALTH
AND LEGACY EMANUEL MEDICAL
CENTER'S NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. § 1441**

(Multnomah County Court Case
No. 25CV18070)

PLEASE TAKE NOTICE that Defendants Legacy Health and Legacy Emanuel Medical Center (together, "Defendants"), by and through their undersigned counsel, and pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, hereby remove the above-titled action from the Circuit Court of the State of Oregon for the County of Multnomah to this Court. In support and as grounds therefore, Defendants state as follows:

///

///

1. Pursuant to 28 U.S.C. § 1441(a), this matter is being removed to the United States District Court for the District of Oregon, Portland Division, because the Complaint was filed in the Circuit Court of the State of Oregon for the County of Multnomah, which lies within this District.

2. On March 27, 2025, Plaintiff Scott D. Staples commenced a civil action against Defendants in the Circuit Court of the State of Oregon for the County of Multnomah, entitled SCOTT D. STAPLES v. LEGACY HEALTH, LEGACY EMANUEL MEDICAL CENTER, Case No. 25CV18070. The pleadings and filings attached as Exhibit 1 to the Declaration of Robert L. Carey in Support of Defendant's Notice of Removal ("Carey Decl.") constitute all of the process and pleadings received by Defendants in this action as required by 28 U.S.C. § 1446(a).

3. The Complaint was served on Defendants on April 9, 2025.

4. Pursuant to 28 U.S.C. § 1446(d), Defendants will serve a copy of this Notice of Removal upon Plaintiff and file a copy with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah.

5. Defendants reserve the right to supplement or amend this Notice of Removal. If any question arises to the propriety of the removal of this action, Defendant respectfully requests the opportunity to present a brief oral argument in support of its position that this case is removable.

**REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER
JURISDICTION UNDER 28 U.S.C. §§ 1331 AND 1367**

6. This Notice of Removal complies with the requirements of 28 U.S.C. § 1446(b).

7. Under 28 U.S.C. § 1331, the Court has "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

8. Here, the Court has original federal question jurisdiction under Section 1331 because Plaintiff brings a civil action arising under the laws of the United States, specifically, the

Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*), the Rehabilitation Act (29 U.S.C. § 794), and the Family Medical Leave Act (29 U.S.C. 2601 *et seq.*). *See* Carey Decl., Ex. 1 at 2-15.

9. Under 28 U.S.C. § 1367(a), “in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy” “A state law claim is part of the same case or controversy when it shares a ‘common nucleus of operative fact’ with the federal claims and the state and federal claims would normally be tried together.” *Bahrampour v. Lampert*, 356 F.3d 969, 978 (9th Cir. 2004) (citation omitted).

10. Here, the Court has supplemental jurisdiction pursuant to Section 1367(a) because Plaintiff’s state law claims for disability discrimination and retaliation under ORS Chapters 659A and 654 arise from the same common nucleus of operative fact—purported discrimination and retaliation against Plaintiff during his participation in the chaplain residency program at Legacy Emanuel Medical Center—and would normally be tried together with his federal claims. *See* Carey Decl., Ex. 1 at 2-15. Courts in this District routinely exercise supplemental jurisdiction over parallel state and federal employment claims. *See, e.g., Doe v. Teachers Council, Inc.*, 757 F. Supp. 3d 1142, 1172 (D. Or. 2024) (“Doe’s state and federal [disability discrimination] claims share the same common nucleus of operative fact and would normally be tried together[.]”).

11. By filing this Notice of Removal and removing this case, Defendants do not waive, but rather expressly reserve any and all defenses.

12. This Notice of Removal is signed pursuant to Fed. R. Civ. Proc. 11. The undersigned has read this Notice of Removal, and to the best of the undersigned’s knowledge, information and belief, formed after a reasonable inquiry, it is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any

improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

WHEREFORE, Defendants respectfully remove this matter from the Circuit Court of the State of Oregon for the County of Multnomah for it to proceed in this Court as an action properly removed hereto. If any question arises to the propriety of the removal of this action, Defendants respectfully request the opportunity to amend and supplement this Notice of Removal and present a brief oral argument in support of their position that this case is removable.

DATED: May 9, 2025.

TONKON TORP LLP

By: s/Robert L. Carey
Robert L. Carey, OSB No. 871860
Direct: 503.802.2032
Email: bob.carey@tonkon.com
Matt A. Heldt, OSB No. 234594
Direct: 503.802.2135
Email: Matt.Heldt@tonkon.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing DEFENDANTS LEGACY HEALTH AND LEGACY EMANUEL MEDICAL CENTER'S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1441 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

None

and hereby certify that I caused to be mailed by United States Postal Service and emailed the foregoing DEFENDANTS LEGACY HEALTH AND LEGACY EMANUEL MEDICAL CENTER'S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1441 to the non-CM/ECF participants:

Scott D. Staples
712 W. 32nd Street, Apt B
Vancouver, WA 98660

DATED: May 9, 2025.

TONKON TORP LLP

By: s/Robert L. Carey
Robert L. Carey, OSB No. 871860
Direct: 503.802.2032
Email: bob.carey@tonkon.com
Matt A. Heldt, OSB No. 234594
Direct: 503.802.2135
Email: Matt.Heldt@tonkon.com
Attorneys for Defendants

006030\00076\18377478v1